



Home



Browse and Comment



Search



Buy Books and CD-ROMs



Help

Laws

By Plato

Commentary: Several comments have been posted about [Laws](#).

Download: A text-only version is [available for download](#).

Laws

By Plato

Written 360 B.C.E

Translated by Benjamin Jowett

Table of Contents

Book VIII

Athenian Stranger. Next, with the help of the Delphian oracle, we have to institute festivals and make laws about them, and to determine what sacrifices will be for the good of the city, and to what Gods they shall be offered; but when they shall be offered, and how often, may be partly regulated by us.

Cleinias. The number-yes.

Ath. Then we will first determine the number; and let the whole number be 365—one for every day—so that one magistrate at least will sacrifice daily to some God or demi-god on behalf of the city, and the citizens, and their possessions. And the interpreters, and priests, and priestesses, and prophets shall meet, and, in company with the guardians of the law, ordain those things which the legislator of necessity omits; and I may remark that they are the very persons who ought to take note of what is omitted. The law will say that there are twelve feasts dedicated to the twelve Gods, after whom the several tribes are named; and that to each of them they shall sacrifice every month, and appoint choruses, and musical and gymnastic contests, assigning them so as to suit the Gods and seasons of the year. And they shall have festivals for women, distinguishing those which ought to be separated from the men's festivals, and those which ought not. Further, they shall not confuse the infernal deities and their rites with the Gods who are termed heavenly and their rites, but shall separate them, giving to Pluto his own in the twelfth month, which is sacred to him, according to the law. To such a deity warlike men should entertain no aversion, but they should honour him as being always the best friend of man. For the connection of soul and body is no way better than the dissolution of them, as I am ready to maintain quite seriously.

Moreover, those who would regulate these matters rightly should consider, that our city among

existing cities has fellow, either in respect of leisure or comin and of the necessities of life, and that like an individual she ought to live happily. And those who would live happily should in the first place do no wrong to one another, and ought not themselves to be wronged by others; to attain the first is not difficult, but there is great difficulty, in acquiring the power of not being wronged. No man can be perfectly secure against wrong, unless he has become perfectly good; and cities are like individuals in this, for a city if good has a life of peace, but if evil, a life of war within and without. Wherefore the citizens ought to practise war-not in time of war, but rather while they are at peace. And every city which has any sense, should take the field at least for one day in every month; and for more if the magistrates think fit, having no regard to winter cold or summer heat; and they should go out en masse, including their wives and their children, when the magistrates determine to lead forth the whole people, or in separate portions when summoned by them; and they should always provide that there should be games and sacrificial feasts, and they should have tournaments, imitating in as lively a manner as they can real battles. And they should distribute prizes of victory and valour to the competitors, passing censures and encomiums on one another according to the characters which they bear in the contests and their whole life, honouring him who seems to be the best, and blaming him who is the opposite. And let poets celebrate the victors-not however every poet, but only one who in the first place is not less than fifty years of age; nor should he be one who, although he may have musical and poetical gifts, has never in his life done any noble or illustrious action; but those who are themselves good and also honourable in the state, creators of noble actions-let their poems be sung, even though they be not very musical. And let the judgment of them rest with the instructor of youth and the other guardians of the laws, who shall give them this privilege, and they alone shall be free to sing; but the rest of the world shall not have this liberty. Nor shall any one dare to sing a song which has not been approved by the judgment of the guardians of the laws, not even if his strain be sweeter than the songs of Thamyras and Orpheus; but only and Orpheus; but only such poems as have been judged sacred and dedicated to the Gods, and such as are the works of good men, which praise of blame has been awarded and which have been deemed to fulfil their design fairly.

The regulations about and about liberty of speech in poitry, ought to apply equally to men and women. The legislator may be supposed to argue the question in his own mind:-Who are my citizens for whom I have set in order the city? Are they not competitors in the greatest of all contests, and have they not innumerable rivals? To be sure, will be the natural, reply. Well, but if we were training boxers, or pancratiasts, or any other sort of athletes, would they never meet until the hour of contest arrived; and should we do nothing to prepare ourselves previously by daily practice? Surely, if we were boxers we should have been learning to fight for many days before, and exercising ourselves in imitating all those blows and wards which we were intending to use in the hour of conflict; and in order that we might come as near to reality as possible, instead of cestuses we should put on boxing gloves, that the blows and the wards might be practised by us to the utmost of our power. And if there were a lack of competitors, the ridicule of fools would ryot deter us from hanging up a lifeless image and practising at that. Or if we had no adversary at all, animate or inanimate, should we not venture in the dearth of antagonists to spar by ourselves? In what other manner could we ever study the art of self-defence?

Cle. The way which you mention Stranger, would be the only way.

Ath. And shall the warriors of our city, who are destined when occasion calli to enter the greatest of all contests, and to fight for their lives, and their children, and their property, and the whole city, be worse prepared than boxers? And will the legislator, because he is afraid that their practising with one another may appear to some ridiculous, abstain from commanding them to go out and fight; will he not ordain that soldiers shall perform lesser exercises without arms every day, making dancing and all gymnastic tend to this end; and also will he not require that they

shall practise some gymnastic exercises, greater as well as lesser, as often as every month; and that they shall have contests one with another in every part of the country, seizing upon posts and lying in ambush, and imitating in every respect the reality of war; fighting with boxing-gloves and hurling javelins, and using weapons somewhat dangerous, and as nearly as possible like the true ones, in order that the sport may not be altogether without fear, but may have terrors and to a certain degree show the man who has and who has not courage; and that the honour and dishonour which are assigned to them respectively, may prepare the whole city for the true conflict of life? If any one dies in these mimic contests, the homicide is involuntary, and we will make the slayer, when he has been purified according to law, to be pure of blood, considering that if a few men should die, others as good as they will be born; but that if fear is dead then the citizens will never find a test of superior and inferior natures, which is a far greater evil to the state than the loss of a few.

Cle. We are quite agreed, Stranger, that we should legislate about such things, and that the whole state should practise them supposed

Ath. And what is the reason that dances and contests of this sort hardly ever exist in states, at least not to any extent worth speaking of? Is this due to the ignorance of mankind and their legislators?

Cle. Perhaps.

Ath. Certainly not, sweet Cleinias; there are two causes, which are quite enough to account for the deficiency.

Cle. What are they?

Ath. One cause is the love of wealth, which wholly absorbs men, and never for a moment allows them to think of anything but their own private possessions; on this the soul of every citizen hangs suspended, and can attend to nothing but his daily gain; mankind are ready to learn any branch of knowledge, and to follow any pursuit which tends to this end, and they laugh at every other:-that is one reason why a city will not be in earnest about such contests or any other good and honourable pursuit. But from an insatiable love of gold and silver, every man will stoop to any art or contrivance, seemly or unseemly, in the hope of becoming rich; and will make no objection to performing any action, holy, or unholy and utterly base, if only like a beast he have the power of eating and drinking all kinds of things, and procuring for himself in every sort of way the gratification of his lusts.

Cle. True.

Ath. Let this, then, be deemed one of the causes which prevent states from pursuing in an efficient manner the art of war, or any other noble aim, but makes the orderly and temperate part of mankind into merchants, and captains of ships, and servants, and converts the valiant sort into thieves and burglars and robbers of temples, and violent, tyrannical persons; many of whom are not without ability, but they are unfortunate.

Cle. What do you mean?

Ath. Must not they be truly unfortunate whose souls are compelled to pass through life always hungering?

Cle. Then that is one cause, Stranger; but you spoke of another.

Ath. Thank you for reminding me.

Cle. The insatiable life long love of wealth, as you were saying is one clause which absorbs mankind, and prevents them from rightly practising the arts of war:-Granted; and now tell me,

what is the other?

Ath. Do you imagine that I delay because I am in a perplexity?

Cle. No; but we think that you are too severe upon the money-loving temper, of which you seem in the present discussion to have a peculiar dislike.

Ath. That is a very fair rebuke, Cleinias; and I will now proceed to the second cause.

Cle. Proceed.

Ath. I say that governments are a cause-democracy, oligarchy, tyranny, concerning which I have often spoken in the previous discourse; or rather governments they are not, for none of them exercises a voluntary rule over voluntary subjects; but they may be truly called states of discord, in which while the government is voluntary, the subjects always obey against their will, and have to be coerced; and the ruler fears the subject, and will not, if he can help, allow him to become either noble, or rich, or strong, or valiant, or warlike at all. These two are the chief causes of almost all evils, and of the evils of which I have been speaking they are notably the causes. But our state has escaped both of them; for her citizens have the greatest leisure, and they are not subject to one another, and will, I think, be made by these laws the reverse of lovers of money. Such a constitution may be reasonably supposed to be the only one existing which will accept the education which we have described, and the martial pastimes which have been perfected according to our idea.

Cle. True.

Ath. Then next we must remember, about all gymnastic contests, that only the warlike sort of them are to be practised and to have prizes of victory; and those which are not military are to be given up. The military sort had better be completely described and established by law; and first, let us speak of running and swiftness.

Cle. Very good.

Ath. Certainly the most military of all qualities is general activity of body, whether of foot or hand. For escaping or for capturing an enemy, quickness of foot is required; but hand-to-hand conflict and combat need vigour and strength.

Cle. Very true.

Ath. Neither of them can attain their greatest efficiency without arms.

Cle. How can they?

Ath. Then our herald, in accordance with the prevailing practice, will first summon the runner; he will appear armed, for to an unarmed competitor we will not give a prize. And he shall enter first who is to run the single course bearing arms; next, he who is to run the double course; third, he who is to run the horse-course; and fourthly, he who is to run the long course; the fifth whom we start, shall be the first sent forth in heavy armour, and shall run a course of sixty stadia to some temple of Ares-and we will send forth another, whom we will style the more heavily armed, to run over smoother ground. There remains the archer; and he shall run in the full equipments of an archer a distance of 100 stadia over mountains, and across every sort of country, to a temple of Apollo and Artemis; this shall be the order of the contest, and we will wait for them until they return, and will give a prize to the conqueror in each.

Cle. Very good.

Ath. Let us suppose that there are three kinds of contests-one of boys, another of beardless youths, and a third of men. For the youths we will fix the length of the contest at two-thirds, and

for the boys at half of the entire course, whether they contend as archers or as heavy armed. Touching the women, let the girls who are not grown up compete naked in the stadium and the double course, and the horse-course and the long course, and let them run on the race-ground itself; those who are thirteen years of age and upwards until their marriage shall continue to share in contests if they are not more than twenty, and shall be compelled to run up to eighteen; and they shall descend into the arena in suitable dresses. Let these be the regulations about contests in running both for men and women.

Respecting contests of strength, instead of wrestling and similar contests of the heavier sort, we will institute conflicts in armour of one against one, and two against two, and so on up to ten against ten. As to what a man ought not to suffer or do, and to what extent, in order to gain the victory-as in wrestling, the masters of the art have laid down what is fair and what is not fair, so in fighting in armour-we ought to call in skilful persons, who shall judge for us and be our assessors in the work of legislation; they shall say who deserves to be victor in combats of this sort, and what he is not to do or have done to him, and in like manner what rule determines who is defeated; and let these ordinances apply to women until they married as well as to men. The pancration shall have a counterpart in a combat of the light armed; they shall contend with bows and with light shields and with javelins and in the throwing of stones by slings and by hand: and laws shall be made about it, and rewards and prizes given to him who best fulfils the ordinances of the law.

Next in order we shall have to legislate about the horse contests. Now we do not need many horses, for they cannot be of much use in a country like Crete, and hence we naturally do not take great pains about the rearing of them or about horse races. There is no one who keeps a chariot among us, and any rivalry in such matters would be altogether out of place; there would be no sense nor any shadow of sense in instituting contests which are not after the manner of our country. And therefore we give our prizes for single horses-for colts who have not yet cast their teeth, and for those who are intermediate, and for the full-grown horses themselves; and thus our equestrian games will accord with the nature of the country. Let them have conflict and rivalry in these matters in accordance with the law, and let the colonels and generals of horse decide together about all courses and about the armed competitors in them. But we have nothing to say to the unarmed either in gymnastic exercises or in these contests. On the other hand, the Cretan bowman or javelin-man who fights in armour on horseback is useful, and therefore we may as well place a competition of this sort among amusements. Women are not to be forced to compete by laws and ordinances; but if from previous training they have acquired the habit and are strong enough and like to take part, let them do so, girls as well as boys, and no blame to them.

Thus the competition in gymnastic and the mode of learning it have been described; and we have spoken also of the toils of the contest, and of daily exercises under the superintendence of masters. Likewise, what relates to music has been, for the most part, completed. But as to rhapsodes and the like, and the contests of choruses which are to perform at feasts, all this shall be arranged when the months and days and years have been appointed for Gods and demi-gods, whether every third year, or again every fifth year, or in whatever way or manner the Gods may put into men's minds the distribution and order of them. At the same time, we may expect that the musical contests will be celebrated in their turn by the command of the judges and the director of education and the guardians of the law meeting together for this purpose, and themselves becoming legislators of the times and nature and conditions of the choral contests and of dancing in general. What they ought severally to be in language and song, and in the admixture of harmony with rhythm and the dance, has been often declared by the original legislator; and his successors ought to follow him, making the games and sacrifices duly to correspond at fitting times, and appointing public festivals. It is not difficult to determine how

these and the like matters may have a regular order; nor, again, will the alteration of them do any great good or harm to the state. There is, however, another matter of great importance and difficulty, concerning which God should legislate, if there were any possibility of obtaining from him an ordinance about it. But seeing that divine aid is not to be had, there appears to be a need of some bold man who specially honours plainness of speech, and will say outright what he thinks best for the city and citizens-ordinating what is good and convenient for the whole state amid the corruptions of human souls, opposing the mightiest lusts, and having no man his helper but himself standing alone and following reason only.

Cle. What is this, Stranger, that you are saying? For we do not as yet understand your meaning.

Ath. Very likely; I will endeavour to explain myself more clearly. When I came to the subject of education, I beheld young men and maidens holding friendly intercourse with one another. And there naturally arose in my mind a sort of apprehension-I could not help thinking how one is to deal with a city in which youths and maidens are well nurtured, and have nothing to do, and are not undergoing the excessive and servile toils which extinguish wantonness, and whose only cares during their whole life are sacrifices and festivals and dances. How, in such a state as this, will they abstain from desires which thrust many a man and woman into perdition; and from which reason, assuming the functions of law, commands them to abstain? The ordinances already made may possibly get the better of most of these desires; the prohibition of excessive wealth is a very considerable gain in the direction of temperance, and the whole education of our youth imposes a law of moderation on them; moreover, the eye of the rulers is required always to watch over the young, and never to lose sight of them; and these provisions do, as far as human means can effect anything, exercise a regulating influence upon the desires in general. But how can we take precautions against the unnatural loves of either sex, from which innumerable evils have come upon individuals and cities? How shall we devise a remedy and way of escape out of so great a danger? Truly, Cleinias, here is a difficulty. In many ways Crete and Lacedaemon furnish a great help to those who make peculiar laws; but in the matter of love, as we are alone, I must confess that they are quite against us. For if any one following nature should lay down the law which existed before the days of Laius, and denounce these lusts as contrary to nature, adducing the animals as a proof that such unions were monstrous, he might prove his point, but he would be wholly at variance with the custom of your states. Further, they are repugnant to a principle which we say that a legislator should always observe; for we are always enquiring which of our enactments tends to virtue and which not. And suppose we grant that these loves are accounted by law to be honourable, or at least not disgraceful, in what degree will they contribute to virtue? Will such passions implant in the soul of him who is seduced the habit of courage, or in the soul of the seducer the principle of temperance? Who will ever believe this?-or rather, who will not blame the effeminacy of him who yields to pleasures and is unable to hold out against them? Will not all men censure as womanly him who imitates the woman? And who would ever think of establishing such a practice by law? Certainly no one who had in his mind the image of true law. How can we prove, that what I am saying is true? He who would rightly consider these matters must see the nature of friendship and desire, and of these so-called loves, for they are of two kinds, and out of the two arises a third kind, having the same name; and this similarity of name causes all the difficulty and obscurity.

Cle. How is that?

Ath. Dear is the like in virtue to the like, and the equal to the equal; dear also, though unlike, is he who has abundance to him who is in want. And when either of these friendships becomes excessive, we term the excess love.

Cle. Very true.

Ath. The friendship which arises from contraries is horrible and coarse, and has often no tie of communion; but that which, arises from likeness is gentle, and has a tie of communion which lasts through life. As to the mixed sort which is made up of them both, there is, first of all, a in determining what he who is possessed by this third love desires; moreover, he is drawn different ways, and is in doubt between the two principles; the one exhorting him to enjoy the beauty of youth, and the other forbidding him. For the one is a lover of the body, and hungers after beauty, like ripe fruit, and would fain satisfy himself without any regard to the character of the beloved; the other holds the desire of the body to be a secondary matter, and looking rather than loving and with his soul desiring the soul of the other in a becoming manner, regards the satisfaction of the bodily love as wantonness; he reverences and respects temperance and courage and magnanimity and wisdom, and wishes to live chastely with the chaste object of his affection. Now the sort of love which is made up of the other two is that which we have described as the third. Seeing then that there are these three sorts of love, ought the law to prohibit and forbid them all to exist among us? Is it not rather clear that we should wish to have in the state the love which is of virtue and which desires the beloved youth to be the best possible; and the other two, if possible, we should hinder? What do you say, friend Megillus?

Megillus. I think, Stranger, that you are perfectly right in what you have been now saying.

Ath. I knew well, my friend, that I should obtain your assent, which I accept, and therefore have no need to analyse your custom any further. Cleinias shall be prevailed upon to give me his assent at some other time. Enough of this; and now let us proceed to the laws.

Meg. Very good.

Ath. Upon reflection I see a way of imposing the law, which, in one respect, is easy, but, in another, is of the utmost difficulty.

Meg. What do you mean?

Ath. We are all aware that most men, in spite of their lawless natures, are very strictly and precisely restrained from intercourse with the fair, and this is not at all against their will, but entirely with their will.

Meg. When do you mean?

Ath. When any one has a brother or sister who is fair; and about a son or daughter the same unwritten law holds, and is a most perfect safeguard, so that no open or secret connection ever takes place between them. Nor does the thought of such a thing ever enter at all into the minds of most of them.

Meg. Very true.

Ath. Does not a little word extinguish all pleasures of that sort?

Meg. What word?

Ath. The declaration that they are unholy, hated of God, and most infamous; and is not the reason of this that no one has ever said the opposite, but every one from his earliest childhood has heard men speaking in the same manner about them always and everywhere, whether in comedy or in the graver language of tragedy? When the poet introduces on the stage a Thyestes or an Oedipus, or a Macareus having secret intercourse with his sister, he represents him, when found out, ready to kill himself as the penalty of his sin.

Meg. You are very right in saying that tradition, if no breath of opposition ever assails it, has a marvellous power.

Ath. Am I not also right in saying that the legislator who wants to master any of the passions which master man may easily know how to subdue them? He will consecrate the tradition of their evil character among all, slaves and freemen, women and children, throughout the city:-that will be the surest foundation of the law which he can make.

Meg. Yes; but will he ever succeed in making all mankind use the same language about them?

Ath. A good objection; but was I not just now saying that I had a way to make men use natural love and abstain from unnatural, not intentionally destroying the seeds of human increase, or sowing them in stony places, in which they will take no root; and that I would command them to abstain too from any female field of increase in which that which is sown is not likely to grow? Now if a law to this effect could only be made perpetual, and gain an authority such as already prevents intercourse of parents and children-such a law, extending to other sensual desires, and conquering them, would be the source of ten thousand blessings. For, in the first place, moderation is the appointment of nature, and deters men from all frenzy and madness of love, and from all adulteries and immoderate use of meats and drinks, and makes them good friends to their own wives. And innumerable other benefits would result if such a could only be enforced. I can imagine some lusty youth who is standing by, and who, on hearing this enactment, declares in scurrilous terms that we are making foolish and impossible laws, and fills the world with his outcry. And therefore I said that I knew a way of enacting and perpetuating such a law, which was very easy in one respect, but in another most difficult. There is no difficulty in seeing that such a law is possible, and in what way; for, as I was saying, the ordinance once consecrated would master the soul of, every man, and terrify him into obedience. But matters have now come to such a pass that even then the desired result seems as if it could not be attained, just as the continuance of an entire state in the practice of common meals is also deemed impossible. And although this latter is partly disproven by the fact of their existence among you, still even in your cities the common meals of women would be regarded as unnatural and impossible. I was thinking of the rebelliousness of the human heart when I said that the permanent establishment of these things is very difficult.

Meg. Very true.

Ath. Shall I try and find some sort of persuasive argument which will prove to you that such enactments are possible, and not beyond human nature?

Cle. By all means.

Ath. Is a man more likely to abstain from the pleasures of love and to do what he is bidden about them, when his body is in a good condition, or when he is in an ill condition, and out of training?

Cle. He will be far more temperate when he is in training.

Ath. And have we not heard of Iccus of Tarentum, who, with a view to the Olympic and other contests, in his zeal for his art, and also because he was of a manly and temperate disposition, never had any connection with a woman or a youth during the whole time of his training? And the same is said of Crison and Astylus and Diopomous and many others; and yet, Cleinias, they were far worse educated in their minds than your and my citizens, and in their bodies far more lusty.

Cle. No doubt this fact has been often affirmed positively by the ancients of these athletes.

Ath. And had they; courage to abstain from what is ordinarily deemed a pleasure for the sake of a victory in wrestling, running, and the like; and shall our young men be incapable of a similar endurance for the sake of a much nobler victory, which is the noblest of all, as from their youth

upwards we will tell them, charming them, as we hope, into the belief of this by tales and sayings and songs?

Cle. Of what victory are you speaking?

Ath. Of the victory over pleasure, which if they win, they will live happily; or if they are conquered, the reverse of happily. And, further, may we not suppose that the fear of impiety will enable them to master that which other inferior people have mastered?

Cle. I dare say.

Ath. And since we have reached this point in our legislation, and have fallen into a difficulty by reason of the vices of mankind, I affirm that our ordinance should simply run in the following terms: Our citizens ought not to fall below the nature of birds and beasts in general, who are born in great multitudes, and yet remain until the age for procreation virgin and unmarried, but when they have reached the proper time of life are coupled, male and female, and lovingly pair together, and live the rest of their lives in holiness and innocence, abiding firmly in their original compact:-surely, we will say to them, you should be better than the animals. But if they are corrupted by the other Hellenes and the common practice of barbarians, and they see with their eyes and hear with their ears of the so-called free love everywhere prevailing among them, and they themselves are not able to get the better of the temptation, the guardians of the law, exercising the functions of lawgivers, shall devise a second law against them.

Cle. And what law would you advise them to pass if this one failed?

Ath. Clearly, Cleinias, the one which would naturally follow.

Cle. What is that?

Ath. Our citizens should not allow pleasures to strengthen with indulgence, but should by toil divert the aliment and exuberance of them into other parts of the body; and this will happen if no immodesty be allowed in the practice of love. Then they will be ashamed of frequent intercourse, and they will find pleasure, if seldom enjoyed, to be a less imperious mistress. They should not be found out doing anything of the sort. Concealment shall be honourable, and sanctioned by custom and made law by unwritten prescription; on the other hand, to be detected shall be esteemed dishonourable, but not, to abstain wholly. In this way there will be a second legal standard of honourable and dishonourable, involving a second notion of right. Three principles will comprehend all those corrupt natures whom we call inferior to themselves, and who form but one dass, and will compel them not to transgress.

Cle. What are they?

Ath. The principle of piety, the love of honour, and the desire of beauty, not in the body but in the soul. These are, perhaps, romantic aspirations; but they are the noblest of aspirations, if they could only be realized in all states, and, God willing, in the matter of love we may be able to enforce one of two things-either that no one shall venture to touch any person of the freeborn or noble class except his wedded wife, or sow the unconsecrated and bastard seed among harlots, or in barren and unnatural lusts; or at least we may abolish altogether the connection of men with men; and as to women, if any man has to do with any but those who come into his house duly married by sacred rites, whether they be bought or acquired in any other way, and he offends publicly in the face of all mankind, we shall be right in enacting that he be deprived of civic honours and privileges, and be deemed to be, as he truly is, a stranger. Let this law, then, whether it is one, or ought rather to be called two, be laid down respecting love in general, and the intercourse of the sexes which arises out of the desires, whether rightly or wrongly indulged.

Meg. I, for my part, Stranger, would gladly receive this law. Cleinias shall speak for himself, and tell you what is his opinion.

Cle. I will, Megillus, when an opportunity offers; at present, I think that we had better allow the Stranger to proceed with his laws.

Meg. Very good.

Ath. We had got about as far as the establishment of the common tables, which in most places would be difficult, but in Crete no one would think of introducing any other custom. There might arise a question about the manner of them-whether they shall be such as they are here in Crete, or such as they are in Lacedaemon,-or is there a third kind which may be better than either of them? The answer to this question might be easily discovered, but the discovery would do no great good, for at present they are very well ordered.

Leaving the common tables, we may therefore proceed to the means of providing food. Now, in cities the means of life are gained in many ways and from divers sources, and in general from two sources, whereas our city has only one. For most of the Hellenes obtain their food from sea and land, but our citizens from land only. And this makes the task of the legislator less difficult-half as many laws will be enough, and much less than half; and they will be of a kind better suited to free men. For he has nothing to do with laws about shipowners and merchants and retailers and innkeepers and tax collectors and mines and moneylending and compound interest and innumerable other things-bidding good-bye to these, he gives laws to husbandmen and shepherds and bee-keepers, and to the guardians and superintendents of their implements; and he has already legislated for greater matters, as for example, respecting marriage and the procreation and nurture of children, and for education, and the establishment of offices-and now he must direct his laws to those who provide food and labour in preparing it.

Let us first of all, then, have a class of laws which shall be called the laws of husbandmen. And let the first of them be the law of Zeus, the god of boundaries. Let no one shift the boundary line either of a fellow-citizen who is a neighbour, or, if he dwells at the extremity of the land, of any stranger who is conterminous with him, considering that this is truly "to move the immovable," and every one should be more willing to move the largest rock which is not a landmark, than the least stone which is the sworn mark of friendship and hatred between neighbours; for Zeus, the god of kindred, is the witness of the citizen, and Zeus, the god of strangers, of the stranger, and when aroused, terrible are the wars which they stir up. He who obeys the law will never know the fatal consequences of disobedience, but he who despises the law shall be liable to a double penalty, the first coming from the Gods, and the second from the law. For let no one wilfully remove the boundaries of his neighbour's land, and if any one does, let him who will inform the landowners, and let them bring him into court, and if he be convicted of re-dividing the land by stealth or by force, let the court determine what he ought to suffer or pay. In the next place, many small injuries done by neighbours to one another, through their multiplication, may cause a weight of enmity, and make neighbourhood a very disagreeable and bitter thing. Wherefore a man ought to be very careful of committing any offence against his neighbour, and especially of encroaching on his neighbour's land; for any man may easily do harm, but not every man can do good to another. He who encroaches on his neighbour's land, and transgresses his boundaries, shall make good the damage, and, to cure him of his impudence and also of his meanness, he shall pay a double penalty to the injured party. Of these and the like matters the wardens of the country shall take cognizance, and be the judges of them and assessors of the damage; in the more important cases, as has been already said, the whole number of them belonging to any one of the twelve divisions shall decide, and in the lesser cases the commanders: or, again, if any one pastures his cattle on his neighbour's land, they shall see the injury, and adjudge the penalty. And if any one, by decoying the bees, gets possession of another's swarms, and draws them to himself by making noises, he shall pay the damage; or if anyone sets fire to his own wood and takes no

care of his neighbour's property, he shall be fined at the discretion of the magistrates. And if in planting he does not leave a fair distance between his own and his neighbour's land, he shall be punished, in accordance with the enactments of many law givers, which we may use, not deeming it necessary that the great legislator of our state should determine all the trifles which might be decided by any body; for example, husbandmen have had of old excellent laws about waters, and there is no reason why we should propose to divert their course: who likes may draw water from the fountain-head of the common stream on to his own land, if he do not cut off the spring which clearly belongs to some other owner; and he may take the water in any direction which he pleases, except through a house or temple or sepulchre, but he must be careful to do no harm beyond the channel. And if there be in any place a natural dryness of the earth, which keeps in the rain from heaven, and causes a deficiency in the supply of water, let him dig down on his own land as far as the clay, and if at this depth he finds no water, let him obtain water from his neighbours, as much, as is required for his servants' drinking, and if his neighbours, too, are limited in their supply, let him have a fixed measure, which shall be determined by the wardens of the country. This he shall receive each day, and on these terms have a share of his neighbours' water. If there be heavy rain, and one of those on the lower ground injures some tiller of the upper ground, or some one who has a common wall, by refusing to give the man outlet for water; or, again, if some one living on the higher ground recklessly lets off the water on his lower neighbour, and they cannot come to terms with one another, let him who will call in a warden of the city, if he be in the city, or if he be in the country, warden of the country, and let him obtain a decision determining what each of them is to do. And he who will not abide by the decision shall suffer for his malignant and morose temper, and pay a fine to the injured party, equivalent to double the value of the injury, because he was unwilling to submit to the magistrates.

Now the participation of fruits shall be ordered on this wise. The goddess of Autumn has two gracious gifts: one, the joy of Dionysus which is not treasured up; the other, which nature intends to be stored. Let this be the law, then, concerning the fruits of autumn: He who tastes the common or storing fruits of autumn, whether grapes or figs, before the season of vintage which coincides with Arcturus, either on his own land or on that of others-let him pay fifty drachmae, which shall be sacred to Dionysus, if he pluck them from his own land; and if from his neighbour's land, a mina, and if from any others', two-thirds of a mina. And he who would gather the "choice" grapes or the "choice" figs, as they are now termed, if he take them off his own land, let him pluck them how and when he likes; but if he take them from the ground of others without their leave, let him in that case be always punished in accordance with the law which ordains that he should not move what he has not laid down. And if a slave touches any fruit of this sort, without the consent of the owner of the land, he shall be beaten with as many blows as there are grapes on the bunch, or figs on the fig-tree. Let a metic purchase the "choice" autumnal fruit, and then, if he pleases, he may gather it; but if a stranger is passing along the road, and desires to eat, let him take of the "choice" grapes for himself and a single follower without payment, as a tribute of hospitality. The law however forbids strangers from sharing in the sort which is not used for eating; and if any one, whether he be master or slave, takes of them in ignorance, let the slave be beaten, and the freeman dismissed with admonitions, and instructed to take of the other autumnal fruits which are unfit for making raisins and wine, or for laying by as dried figs. As to pears, and apples, and pomegranates, and similar fruits, there shall be no disgrace in taking them secretly; but he who is caught, if he be of less than thirty years of age, shall be struck and beaten off, but not wounded; and no freeman shall have any right of satisfaction for such blows. Of these fruits the stranger may partake, just as he may of the fruits of autumn. And if an elder, who is more than thirty years of age, eat of them on the spot, let him, like the stranger, be allowed to partake of all such fruits, but he must carry away nothing. If, however, he will not obey the law, let him run risk of failing in the competition of virtue, in case any one takes notice of his actions before the judges at the time.

Water is the greatest element of nutrition in gardens, but is easily polluted. You cannot poison the soil, or the soil, or the sun, or the air, which are other elements of nutrition in plants, or divert them, or steal them; but all these things may very likely happen in regard to water, which must therefore be protected by law. And let this be the law:-If any one intentionally pollutes the water of another, whether the water of a spring, or collected in reservoirs, either by poisonous substances, or by digging or by theft, let the injured party bring the cause before the wardens of the city, and claim in writing the value of the loss; if the accused be found guilty of injuring the water by deleterious substances, let him not only pay damages, but purify the stream or the cistern which contains the water, in such manner as the laws of the interpreters order the purification to be made by the offender in each case.

With respect to the gathering in of the fruits of the soil, let a man, if he pleases, carry his own fruits through any place in which he either does no harm to any one, or himself gains three times as much as his neighbour loses. Now of these things the magistrates should be cognisant, as of all other things in which a man intentionally does injury to another or to the property of another, by fraud or force, in the use which he makes of his own property. All these matters a man should lay before the magistrates, and receive damages, supposing the injury to be not more than three minae; or if he have a charge against another which involves a larger amount, let him bring his suit into the public courts and have the evil-doer punished. But if any of the magistrates appear to adjudge the penalties which he imposes in an unjust spirit, let him be liable to pay double to the injured party. Any one may bring the offences of magistrates, in any particular case, before the public courts. There are innumerable little matters relating to the modes of punishment, and applications for suits, and summonses and the witnesses to summonses-for example, whether two witnesses should be required for a summons, or how many-and all such details, which cannot be omitted in legislation, but are beneath the wisdom of an aged legislator. These lesser matters, as they indeed are in comparison with the greater ones, let a younger generation regulate by law, after the patterns which have preceded, and according to their own experience of the usefulness and necessity of such laws; and when they are duly regulated let there be no alteration, but let the citizens live in the observance of them.

Now of artisans, let the regulations be as follows:-In the first place, let no citizen or servant of a citizen be occupied in handicraft arts; for he who is to secure and preserve the public order of the state, has an art which requires much study and many kinds of knowledge, and does not admit of being made a secondary occupation; and hardly any human being is capable of pursuing two professions or two arts rightly, or of practising one art himself, and superintending some one else who is practising another. Let this, then, be our first principle in the state:-No one who is a smith shall also be a carpenter, and if he be a carpenter, he shall not superintend the smith's art rather than his own, under the pretext that in superintending many servants who are working for him, he is likely to superintend them better, because more revenue will accrue to him from them than from his own art; but let every man in the state have one art, and get his living by that. Let the wardens of the city labour to maintain this law, and if any citizen incline to any other art than the study of virtue, let them punish him with disgrace and infamy, until they bring him back into his own right course; and if any stranger profess two arts, let them chastise him with bonds and money penalties, and expulsion from the state, until they compel him to be one only and not many.

But as touching payments for hire, and contracts of work, or in case any one does wrong to any of the citizens or they do wrong to any other, up to fifty drachmae, let the wardens of the city decide the case; but if greater amount be involved, then let the public courts decide according to law. Let no one pay any duty either on the importation or exportation of goods; and as to

frankincense and similar perfumes, used in the service of the Gods, which come from abroad, and purple and other dyes which are not produced in the country, or the materials of any art which have to be imported, and which are not necessary-no one should import them; nor again, should any one export anything which is wanted in the country. Of all these things let there be inspectors and superintendents, taken from the guardians of the law; and they shall be the twelve next in order to the five seniors. Concerning arms, and all implements which are for military purposes, if there be need of introducing any art, or plant, or metal, or chains of any kind, or animals for use in war, let the commanders of the horse and the generals have authority over their importation and exportation; the city shall send them out and also receive them, and the guardians of the law shall make fit and proper laws about them. But let there be no retail trade for the sake of money-making, either in these or any other articles, in the city or country at all.

With respect to food and the distribution of the produce of the country, the right and proper way seems to be nearly that which is the custom of Crete; for all should be required to distribute the fruits of the soil into twelve parts, and in this way consume them. Let the twelfth portion of each (as for instance of wheat and barley, to which the rest of the fruits of the earth shall be added, as well as the animals which are for sale in each of the twelve divisions) be divided in due proportion into three parts; one part for freemen, another for their servants, and a third for craftsmen and in general for strangers, whether sojourners who may be dwelling in the city, and like other men must live, or those who come on some business which they have with the state, or with some individual. Let only this third part of all necessaries be required to be sold; out of the other two-thirds no one shall be compelled to sell. And how will they be best distributed? In the first place, we see clearly that the distribution will be of equals in one point of view, and in another point of view of unequals.

Cle. What do you mean?

Ath. I mean that the earth of necessity produces and nourishes the various articles of food, sometimes better and sometimes worse.

Cle. Of course.

Ath. Such being the case, let no one of the three portions be greater than either of the other two- neither that which is assigned to masters or to slaves, nor again that of the stranger; but let the distribution to all be equal and alike, and let every citizen take his two portions and distribute them among slaves and freemen, he having power to determine the quantity and quality. And what remains he shall distribute by measure and numb among the animals who have to be sustained from the earth, taking the whole number of them.

In the second place, our citizens should have separate houses duly ordered, and this will be the order proper for men like them. There shall be twelve hamlets, one in the middle of each twelfth portion, and in each hamlet they shall first set apart a market-place, and the temples of the Gods, and of their attendant demigods; and if there be any local deities of the Magnetes, or holy seats of other ancient deities, whose memory has been preserved, to these let them pay their ancient honours. But Hestia, and Zeus, and Athene will have temples everywhere together with the God who presides in each of the twelve districts. And the first erection of houses shall be around these temples, where the ground is highest, in order to provide the safest and most defensible place of retreat for the guards. All the rest of the country they shall settle in the following manner:-They shall make thirteen divisions of the craftsmen; one of them they shall establish in the city, and this, again, they shall subdivide into twelve lesser divisions, among the twelve districts of the city, and the remainder shall be distributed in the country round about; and in each village they shall settle various classes of craftsmen, with a view to the convenience of the husbandmen. And the chief officers of the wardens of the country shall superintend all these matters, and see how

many of them, and which class of them, each place requires; and fix them where they are likely to be least troublesome, and most useful to the husbandman. And the wardens of the city shall see to similar matters in the city.

Now the wardens of the agora ought to see to the details of the agora. Their first care, after the temples which are in the agora have been seen to, should be to prevent any one from doing any in dealings between man and man; in the second; place, as being inspectors of temperance and violence, they should chastise him who requires chastisement. Touching articles of gale, they should first see whether the articles which the citizens are under regulations to sell to strangers are sold to them, as the law ordains. And let the law be as follows:-on the first day of the month, the persons in charge, whoever they are, whether strangers or slaves, who have the charge on behalf of the citizens, shall produce to the strangers the portion which falls to them, in the first place, a twelfth portion of the corn;-the stranger shall purchase corn for the whole month, and other cereals, on the first market day; and on the tenth day of the month the one party shall sell, and the other buy, liquids sufficient to last during the whole month; and on the twenty-third day there shall be a sale of animals by those who are willing to sell to the people who want to buy, and of implements and other things which husbandmen sell (such as skins and all kinds of clothing, either woven or made of felt and other goods of the same sort), and which strangers are compelled to buy and purchase of others. As to the retail trade in these things, whether of barley or wheat set apart for meal and flour, or any other kind of food, no one shall sell them to citizens or their slaves, nor shall any one buy of a citizen; but let the stranger sell them in the market of strangers, to artisans and their slaves, making an exchange of wine and food, which is commonly called retail trade. And butchers shall offer for sale parts of dismembered animals to the strangers, and artisans, and their servants. Let any stranger who likes buy fuel from day to day wholesale, from those who have the care of it in the country, and let him sell to the strangers as much he pleases and when he pleases. As to other goods and implements which are likely to be wanted, they shall sell them in common market, at any place which the guardians of the law and the wardens of the market and city, choosing according to their judgment, shall determine; at such places they shall exchange money for goods, and goods for money, neither party giving credit to the other; and he who gives credit must be satisfied, whether he obtain his money not, for in such exchanges he will not be protected by law. But whenever property has been bought or sold, greater in quantity or value than is allowed by the law, which has determined within what limited a man may increase and diminish his possessions, let the excess be registered in the books of the guardians of the law; in case of diminution, let there be an erasure made. And let the same rule be observed about the registration of the property of the metics. Any one who likes may come and be a metic on certain conditions; a foreigner, if he likes, and is able to settle, may dwell in the land, but he must practise an art, and not abide more than twenty years from the time at which he has registered himself; and he shall pay no sojourner's tax, however small, except good conduct, nor any other tax for buying and selling. But when the twenty years have expired, he shall take his property with him and depart. And if in the course of these years he should chance to distinguish himself by any considerable benefit which he confers on the state, and he thinks that he can persuade the council and assembly, either to grant him delay in leaving the country, or to allow him to remain for the whole of his life, let him go and persuade the city, and whatever they assent to at his instance shall take effect. For the children of the metics, being artisans, and of fifteen years of age, let the time of their sojourn commence after their fifteenth year; and let them remain for twenty years, and then go where they like; but any of them who wishes to remain, may do so, if he can persuade the council and assembly. And if he depart, let him erase all the entries which have been made by him in the register kept by the magistrates.



Home



Browse and
Comment



Search



Buy Books and
CD-ROMs



Help

© 1994-2009